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11/3/22 12:33 pm

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U.S. BANKRUPTCY  
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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In re: : Case No. 22-20324-GLT  
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**DAVID A. GOLUPSKI** : Chapter 11  
**MAUREEN Y. GOLUPSKI,** :   
:   
:   
*Debtors.* : Related Dkt. No. 147, 162  
:   
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**ORDER (A) SETTING PRETRIAL DEADLINES  
AND (B) ESTABLISHING EVIDENTIARY HEARING/TRIAL DATE**

This matter comes before the Court upon the *Expedited Motion Seeking Clarification of, or Relief from, Court Order and Authorization to Pursue Rights and Remedies in accordance with all Contractual Terms* [Dkt. No. 147] filed by Georgette A. Lewis and Thomas J. Lewis. The Debtors filed a motion to extend time to respond and continue the hearing. On November 1, 2022, the Court held a status conference to discuss the matters in dispute at which time counsel for the Lewis' and counsel for the Debtors agreed that the disputed factual record necessitated the Court conducting an evidentiary hearing. Accordingly, it is hereby **ORDERED, ADJUDGED, and DECREED** that:

1. Discovery in this matter shall commence immediately.
2. All of the following shall be completed on or before **November 11, 2022**:
  - a. Each party shall separately file the following documents related to the presentation of their case: (i) a *Witness List*; and (ii) all *Exhibits* proposed to be introduced at trial.
  - b. The parties shall jointly file a *Stipulation of Facts* identifying all undisputed facts on which the Court may rely when rendering its decision.
  - c. The parties shall jointly file a *Joint Exhibit List* identifying all exhibits each party would offer at an evidentiary hearing. Objections to an exhibit must be

referenced on the *Joint Exhibit List*. Exhibits that do not have an objection listed on the *Joint Exhibit List* will be admitted without further testimony. Any objections identified on the *Joint Exhibit List* will be resolved by the Court prior to the admission of the contested exhibit. No documents other than those listed as proposed exhibits on the *Joint Exhibit List* will be admitted at the time of an evidentiary hearing unless counsel shows cause for their prior nondisclosure. The mere inability to timely locate documents shall not constitute cause.

d. Each party shall provide the Court with three courtesy copies of their exhibits in three-ring binders, with each exhibit separately tabbed.<sup>1</sup> Each exhibit page contained in the binder shall be consecutively numbered (*i.e.*, Bates stamped) in the lower right hand corner of each page of the collective exhibit documents, from the first page to the last page, independent of any exhibit identification numbers previously placed on a respective exhibit. The Golupskis' shall identify their exhibits by letter, and Lewis' shall identify their exhibits by number.

3. An **in-person** evidentiary hearing on this matter is set for **November 18, 2022 at 10 a.m.** in Courtroom A, 54th Fl., U.S. Steel Tower, 600 Grant St., Pittsburgh, Pa. 15219. Only two hours have been set aside for this matter. The parties are encouraged to present direct testimony by way of affidavit if possible. To the extent a party elects to introduce direct testimony by way of affidavit or unsworn declaration pursuant to 28 U.S.C. § 1746, the parties shall meet and confer prior to the scheduled trial date and resolve any evidentiary objections with respect to any such affidavit or declaration. To the extent a party desires to cross-examine any witness testifying by way of affidavit or declaration, such witness must be produced at trial for cross-examination.

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<sup>1</sup> Counsel shall be expected to provide additional copies to opposing counsel. The rings on the binders shall not exceed three inches.

4. In addition to the instructions set forth in this *Order*, the parties shall comply with the Court's general procedures as set forth on its webpage at <http://www.pawb.uscourts.gov/glt-proc.htm>, including the pretrial forms provided therein.

5. The failure of any party to comply with the terms of this *Order* may result in the imposition of sanctions, including without limitation the prohibition against such party from offering testimony at the evidentiary hearing and/or the entry of judgment against them.

6. For the avoidance of doubt, parties shall be physically present in the courtroom for the evidentiary hearing and remote or "Zoom" participation will not be available.

7. ***On or before November 9, 2022***, the Debtors shall file a response to the *Expedited Motion Seeking Clarification of, or Relief from, Court Order and Authorization to Pursue Rights and Remedies in accordance with all Contractual Terms* [Dkt. No. 147].

Dated: November 3, 2022

  
\_\_\_\_\_  
GREGORY J. TADDONI, <sup>Chief</sup>  
CHIEF UNITED STATES BANKRUPTCY JUDGE

Case Administrator to mail to:  
Debtor

In re:  
David A. Golupski  
Maureen Y. Golupski  
Debtors

Case No. 22-20324-GLT  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Nov 03, 2022

User: auto  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 05, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ David A. Golupski, Maureen Y. Golupski, 5101 Carnoustie Drive, Presto, PA 15142-1507

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 05, 2022

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 3, 2022 at the address(es) listed below:

Name	Email Address
Beverly Weiss Manne	on behalf of Creditor Advance Business Capital LLC dba Triumph Business Capital bmanne@tuckerlaw.com, bewmanne@aol.com, jrusnack@tuckerlaw.com
Brian Nicholas	on behalf of Creditor PNC Bank National Association bnicholas@kmlawgroup.com
Courtney Helbling	on behalf of Creditor Advance Business Capital LLC dba Triumph Business Capital chelbling@tuckerlaw.com
Donald R. Calaiaro	on behalf of Joint Debtor Maureen Y. Golupski dcalaiaro@c-vlaw.com, kmosur@c-vlaw.com, ssimmons@c-vlaw.com, jadam@c-vlaw.com, apratt@c-vlaw.com, mpeduto@c-vlaw.com, mlocke@c-vlaw.com, eballa@c-vlaw.com
Donald R. Calaiaro	

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Nov 03, 2022

Form ID: pdf900

Total Noticed: 1

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Jeffrey Hunt

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Jeffrey R. Hunt

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John J. Winter

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TOTAL: 22